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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
BERNARD ASPAR, ET AL. : EXAMINER: GUMEDZOE, PENIEL M.
SERIAL NO: 10/574,798 :
FILED: DECEMBER 11, 2006 : GROUP ART UNIT: 2891
FOR: METHOD FOR PREPARING AND :
ASSEMBLING SUBSTRATES

RESPONSE TO ELECTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election Requirement dated October 15, 2009, Applicants elect Species I, with Claims 68, 73-79, and 85-96 reading thereon. Claims 68, 73-79, and 85-96 are directed to a method for transplanting a transplant layer. The election of Claims 68, 73-79, and 85-96 is done without traverse. However, Applicants note that dependent Claims 69-72 depend from generic and independent Claim 68, and include features related to a protective layer that are shown in Figures 7A-D, directed to Species III identified in the election requirement. In case a claim that is generic to Claims 69-72 would be held allowable, Applicants respectfully request rejoinder of Claims 69-72. Applicants also make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims, which shall be subject to the third sentence of 35 U.S.C. §121.¹

¹ "A patent issuing on an application with respect to which a requirement for restriction under this section has been made ... shall not be used as a reference ... against a divisional application." See also M.P.E.P. § 804.01.

Accordingly, it is respectfully requested that Claims 68, 73-79 and 85-96 be examined on the merits, and an early and favorable action be provided.

Respectfully submitted,

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